

SENATE BILL 225 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 225** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 214 - By Vale: Extending congratulations to Bill Meyers.

S.R. 215 - By Parker: Extending congratulations to Thomas Jefferson Yellow Jackets football team.

S.R. 216 - By Parker: Extending congratulations to Hull-Daisetta High School football team.

S.R. 217 - By Doggett: Extending welcome to Emily Chick, Honorary Page for the day.

ADJOURNMENT

On motion of Senator Brooks the Senate at 11:25 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 9, 1981.

SIXTEENTH DAY

(Monday, February 9, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Absent-excused: Parker.

A quorum was announced present.

Rabbi Neal Borovitz, Hillel Foundation, The University of Texas, Austin, offered the invocation as follows:

Elohaynu Vaylohay Avotanu V'Emataynu—

Our God and God of our Ancestors, we ask Your blessing upon the members of the Senate of the State of Texas as they begin this week of deliberation.

May they be guided by the light of Your countenance to hearken to the voice of Your prophet Mikah who taught what You desire of us "To do justly to love mercy and to walk humbly with God." Grant them the wisdom to distinguish between the ethical and the expedient, and may their actions help to bring peace, prosperity and fulfillment to all the People of this state—

Adonau Oz Z'amu Yitan

Adonai Yevarech et Amo Vashalom

The Lord gives strength to His people.

The Lord blesses His people with peace.

May He truly grant each of you the strength of your convictions and may Your actions be a source of blessing for all of us.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 5, 1981, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Parker was granted leave of absence for today on account of inclement weather on motion of Senator Mauzy.

CO-AUTHOR OF SENATE BILL 131

On motion of Senator Ogg and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 131.

CO-AUTHOR OF SENATE BILL 189

On motion of Senator Doggett and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 189.

SENATOR ANDUJAR WELCOMED

The President extended a warm welcome to Senator Andujar, returning to the Senate after recovery from a heart attack.

The Members greeted Senator Andujar with a standing ovation.

REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

S.J.R. 11

S.C.R. 22

S.B. 264

S.B. 308 (Amended)

S.B. 331 (Amended)

C.S.S.B. 351 (Read first time)

PRESENTATION OF GUEST

Senator Jones was recognized and presented to the Members Mr. Russell Howerton, his guest for today's session.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
February 9, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments to be effective January 12, 1981:

TO BE A BRANCH PILOT FOR GALVESTON BAR AND THE HOUSTON SHIP CHANNEL:

For a four-year term to expire January 11, 1985:

CAPTAIN PIETER C. DUIF of Houston, Harris County, has been found to be qualified to act as a Branch Pilot.

CAPTAIN ROBERT M. BRATCHER of Deer Park, Harris County, has been found to be qualified to act as a Branch Pilot.

TO BE JUDGE OF THE FIFTH JUDICIAL DISTRICT COURT, BOWIE AND CASS COUNTIES UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

JACK ELLISON CARTER of Texarkana, Bowie County, is replacing Judge Charles M. Bleil who vacated this position to become Judge of the Sixth Court of Civil Appeals.

TO BE A MEMBER OF THE PARKS AND WILDLIFE COMMISSION:

For a six-year term to expire February 1, 1987:

WILLIAM O. BRAECKLEIN of Dallas, Dallas County, is replacing J. Pearce Johnson of Austin, Travis County, whose term expired.

WILLIAM M. WHELESS III of Houston, Harris County, is replacing Joe Kirk Fulton of Lubbock, Lubbock County, whose term expired.

TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS WOMAN'S UNIVERSITY:

For a six-year term to expire January 10, 1987:

MARGARET ESTES DAVIS of Longview, Gregg County, is being reappointed.

TO BE DISTRICT ATTORNEY OF THE 64TH AND 242ND JUDICIAL DISTRICT UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

RICHARD LEE MOORE of Plainview, Hale County, is replacing Marvin F. Marshall of Plainview, Hale County, who resigned to become Judge of the 242nd District Court.

TO BE A MEMBER OF THE METRIC SYSTEM ADVISORY COUNCIL:

For a term to expire August 29, 1981:

JESSE M. DeWARE IV of Jefferson, Marion County, will be filling the unexpired term of the Honorable Frank Eikenburg of Plano, Collin County, who resigned.

TO BE A MEMBER OF THE TEXAS TECH UNIVERSITY BOARD OF REGENTS:

For a six-year term to expire January 31, 1987:

ANNE W. PHILLIPS of Fort Worth, Tarrant County, is replacing Lee Stafford of Lubbock, Lubbock County, whose term expired.

REX P. FULLER of Lubbock, Lubbock County, is replacing Don R. Workman of Lubbock, Lubbock County, whose term expired.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 417 by McKnight Natural Resources
Relating to a program to demonstrate fluidized bed combustion of lignite.

S.B. 418 by Parker Natural Resources
Relating to the taking, possession, and sale of alligators; providing penalties.

S.B. 419 by Parker State Affairs
Relating to the date on which the State Treasurer shall require that payment in full be made for stamps or meter settings received by the distributor.

S.B. 420 by Parker State Affairs
Relating to the payment of contractors and subcontractors on certain public works projects.

S.B. 421 by Parker Jurisprudence
Relating to fines for the delivery of a controlled substance in violation of the Texas Controlled Substances Act.

S.B. 422 by Parker Human Resources
Relating to the transfer of housing functions from the Texas Department of Community Affairs to the Texas Housing Agency.

S.B. 423 by Mengden State Affairs
Relating to legislative review and disapproval of rules and proposed rules of state agencies.

S.B. 424 by Santiesteban Human Resources
Relating to permitting the Crippled Children's Division of the State Department of Health to approve qualified dentists to participation in the program.

S.B. 425 by Santiesteban Intergovernmental Relations
Relating to the creation and operation of mass transit authorities in certain urban areas.

S.B. 426 by Parker State Affairs
Relating to permissive payroll deduction of Employee Association Membership dues for State Employees and Employees paid from State Funds.

S.B. 427 by Parker Intergovernmental Relations
Relating to creation of the 285th Judicial District, Composed of Jefferson County.

S.B. 428 by Jones State Affairs
Relating to the maximum rate of interest for state and local government bonds and other evidences of indebtedness.

S.B. 429 by Caperton State Affairs
Relating to the authority of the board of corrections to grant easements for electrical substations.

S.B. 430 by Mauzy Jurisprudence
Relating to the discharge of fines and court costs in misdemeanor cases by service in jail, amending Chapter 722, Acts of the 59th Legislature, 1965 (Article 43.09, Texas Code of Criminal Procedure), and declaring an emergency.

S.B. 431 by Mauzy Jurisprudence
Relating to the encouragement of county jail discipline, commutation of sentences for good conduct, and forfeiture of commutation, amending Chapter 461, Subsection 1, Acts of the 54th Legislature, 1955, as amended (Article 5118a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 432 by Mauzy Jurisprudence
Relating to the right to representation by counsel in criminal proceedings, compensation for appointed counsel, and reimbursement to the counties by defendants and by the state; providing fees to the state to be paid by nonindigent defendants.

S.B. 433 by Farabee Human Resources
Relating to the appointment and qualifications of the commissioner of human resources.

S.B. 434 by Williams State Affairs
Relating to special license plates for members of the Texas National Guard.

S.B. 435 by Brooks Finance
Relating to the abolition of certain permanent funds.

S.B. 436 by Mauzy Jurisprudence
Relating to administrative aides and bailiffs for courts of record.

S.B. 437 by Mauzy Intergovernmental Relations
Relating to the appointment, compensation, powers, and duties of magistrates for district courts of Dallas County in certain criminal proceedings.

S.B. 438 by Mauzy Intergovernmental Relations
Relating to appointment and use of masters in the district courts in Dallas County; amending Chapter 638, Acts of the 64th Legislature, Regular Session, 1975 (Article 2338-9b.2, Vernon's Texas Civil Statutes).

S.B. 439 by Mauzy Intergovernmental Relations
Relating to the creation of the Fifteenth, Sixteenth, Seventeenth, and Eighteenth Supreme Judicial Districts.

S.B. 440 by Meier Natural Resources
Relating to the composition of the Texas Energy and Natural Resources Advisory Council.

S.B. 441 by Doggett State Affairs
Relating to continuation of the Polygraph Examiners Board and regulation of the operators of devices that are intended to determine if a person is telling the truth and to disclosure of the information acquired from the devices; providing penalties.

S.B. 442 by Mauzy Intergovernmental Relations
Relating to the creation of the 287th Judicial District composed of Dallas County.

S.B. 443 by Mauzy Intergovernmental Relations
Relating to the creation of the 288th Judicial District composed of Dallas County.

S.B. 444 by Mauzy Intergovernmental Relations
Relating to the creation of the 289th Judicial District composed of Dallas County.

S.B. 445 by Mauzy Intergovernmental Relations
Relating to the creation of the 290th Judicial District composed of Dallas County.

S.B. 446 by Traeger State Affairs
Amending Chapter 75, Acts of the Regular Session of the 50th Legislature of Texas, as amended (Article 6243h, Vernon's Texas Civil Statutes, as amended, establishing and governing the Texas Municipal Retirement System) as follows: amending subsections 14, 16, 21 and 24 of Section II of said Act; further amending Section II of said Act by adding a new subsection 32 to define the term "amortization period" as used in the Act; amending subsections 2(b) and 2(c) of Section IV of said Act; amending Section V of said Act; amending subsection 8 of Section VI of said Act; amending subsections 1(b), 2(b), 6 and 7(b) of Section VII of said Act; amending subsection 2(i) of Section VIII of said Act; amending subsection 4(b) of Section XIII of said Act; amending subsections 1, 2, 3 and 4 of Section XIV of said Act; amending subsections 1, 2, 5 and 6 of Section XVII of said Act; amending Section XVIII of said Act; amending Section XX of said Act; amending said Act by adding a new Section XXI, providing for optional allowance by participating municipalities of credit for military service performed by its members, and prescribing and limiting the benefits arising therefrom; further amending said Act by adding a new Section XXII, authorizing participating municipalities to provide for inclusion of certain elected municipal officers as members of the System, and allowance of prior service credits to such officials in the instances provided and in the manner

prescribed in said Section; prescribing the date on which this Act shall become effective; declaring this Act to be severable, and declaring an emergency.

S.B. 447 by Mengden Natural Resources
Relating to charges by the Parks and Wildlife Department for park services for elderly persons.

S.B. 448 by Mengden Natural Resources
Relating to commercial shrimping.

S.B. 449 by Mengden Jurisprudence
Relating to the prosecution of a person fifteen years of age or older for certain offenses without a waiver of jurisdiction and certification of the individual by the juvenile court for criminal prosecution; amending Subsection (b), Section 8.07, Penal Code, as amended; amending Section 51.03, Family Code, by adding Subsection (d); amending Section 51.08, Family Code; and declaring an emergency.

S.B. 450 by Travis Economic Development
Relating to the issuance of special oversize or overweight permits by the State Department of Highways and Public Transportation authorizing the transportation of commodities, including one or more units, which cannot be reasonably dismantled; amending Section 1, Chapter 41, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701a, Vernon's Texas Civil Statutes.)

S.B. 451 by Short Finance
Relating to qualification for property tax relief in the form of a residence homestead exemption or appraisal of property as agricultural land or timberland.

S.B. 452 by Jones Finance
Relating to an appropriation to pay claims and judgments against the State of Texas.

S.B. 453 by Parker Education
Relating to tuition at state institutions of higher education for residents of certain counties or parishes in bordering states.

S.B. 454 by Parker Jurisprudence
Relating to the jurisdiction of the small claims court.

S.B. 455 by Parker Finance
Relating to an exemption of supplies used in the care and treatment of diabetics from the sales and use tax.

S.B. 456 by Parker, Sarpalius Economic Development
Relating to the acceleration of payment or increase of interest rate of a residential mortgage loan on assumption of the loan.

S.B. 457 by Parker Human Resources
Relating to the manufacture and sale of certain toilet filler systems.

- S.B. 458** by Parker Intergovernmental Relations
Relating to the maximum property tax rate for a rural fire prevention district.
- S.B. 459** by Parker Economic Development
Relating to the payment of interest on escrow accounts for certain real estate loans.
- S.B. 460** by Parker Jurisprudence
Relating to release of a criminal defendant from detention and dismissal of a criminal action because of delay in prosecuting the criminal action.
- S.B. 461** by Glasgow Intergovernmental Relations
Relating to airport zoning regulations.
- S.B. 462** by Glasgow Intergovernmental Relations
Relating to the authority of municipalities over areas in which airport hazards are located.
- S.B. 463** by Short Natural Resources
Amending Article 55g, Vernon's Annotated Texas Civil Statutes, Ch. 839, Acts 1979, 66th Leg., pertaining to the family farm and ranch security loan program, clarifying certain provisions, validating the issuance of bonds by the Commissioner of Agriculture, amending the qualifications for loans, providing separate provisions for the use of investment earnings on the farm and ranch loan security fund to make payment adjustments, requiring the payment of such bonds as required by the Constitution, enacting certain provisions pertaining to the advisory council, and enacting other provisions relating to the subject.
- S.B. 464** by Blake State Affairs
Relating to the membership of the sesquicentennial commission.
- S.B. 465** by Parker Education
Relating to a loss of credits for a pupil suspended from public school.
- S.J.R. 15** by Mengden State Affairs
Proposing a constitutional amendment to extend the governor's removal power to all gubernatorially appointed public officers.
- S.J.R. 16** by Mengden State Affairs
Proposing a constitutional amendment to provide for interim sessions of the senate to consider the confirmation of gubernatorial appointees.
- S.J.R. 17** by Mengden State Affairs
Proposing a constitutional amendment to provide for legislative sessions for overriding vetoes.
- S.J.R. 18** by Mengden State Affairs
Proposing a constitutional amendment to limit the number of times that a person may be elected governor or lieutenant governor and to provide that the lieutenant governor's compensation is set by law.
- S.J.R. 19** by Mengden State Affairs
Proposing a constitutional amendment relating to terms of office and salary of members of the legislature.

S.J.R. 20 by Mengden State Affairs
Proposing a constitutional amendment relating to the date the governor takes office.

S.J.R. 21 by Mengden State Affairs
Proposing a constitutional amendment to limit the existence of certain state agencies.

S.J.R. 22 by Brooks Finance
Proposing a constitutional amendment to abolish the permanent lunatic asylum fund, the permanent deaf and dumb institute fund, the permanent blind institute fund, and the permanent orphans home fund.

S.J.R. 23 by Parker Intergovernmental Relations
Proposing a constitutional amendment relating to the maximum tax rate for rural fire prevention districts.

S.C.R. 32 by Mengden State Affairs
Memorializing Congress to adopt legislation providing for "sunset" review of all federal agencies.

GOVERNOR CLEMENTS ANNOUNCED

The Doorkeeper announced the presence of The Honorable William P. Clements, Jr., Governor of Texas.

The President announced the following Committee to Escort the Governor to the President's Rostrum: Senators Andujar, Leedom, Mengden, Harris and Howard.

SENATE RESOLUTION 227

Senator McKnight offered the following resolution:

WHEREAS, Sissy Spacek is widely acknowledged as one of America's most talented and versatile performers; she has won praise from critics and audiences across the nation, and Newsweek magazine has singled out this exceptional Texan as the most promising new actress in motion pictures; and

WHEREAS, Ms. Spacek was born December 25, 1949, in Quitman, Texas; even as a teenager, her unique personality and strengths made her a singular individual as she served as cheerleader, drum majorette, fire marshal, newspaper reporter, Spanish Club officer, choral group member, 4-H Club member, the Dogwood Princess of 1967, and homecoming queen while she was at Quitman High School; and

WHEREAS, This extraordinary woman taught herself how to play the guitar, and eventually, she traveled to New York to become a singer; she supported herself by singing background vocals for airline and bubble gum commercials, and in 1969, she sang on the soundtrack of Andy Warhol's film "Lonesome Cowboys"; and

WHEREAS, Her acting career began with six months of study at the Lee Strasberg Theatrical Institute; she then auditioned for and won a role in Prime Cut, starring Lee Marvin and Gene Hackman, receiving favorable critical reviews, and she demonstrated her remarkable talents even further in Terence Malick's movie, Badlands, which created a sensation at the 11th annual New York Film Festival where it won praise for its director and stars; and

WHEREAS, In her later movies, she has continued to show great skill and craftsmanship; for her role in Carrie, directed by Brian De Palma, she won the 1976 National Society of Film Critics Best Actress Award, and she was nominated for an Academy Award, and she has won enthusiastic praise as she has appeared in several other movies such as Welcome to L.A., Three Women, Heart Beat, and, most recently, Coal Miner's Daughter, in which she stunningly portrayed country and western singer, Loretta Lynn; and

WHEREAS, In 1980 alone, this outstanding Texan accumulated an impressive number of acting honors; she has received awards for best actress from the Los Angeles Film Critics, the New York Film Critics, the National Board of Review, and the National Society of Film Critics, and she has also received the Golden Globe Award; and

WHEREAS, In addition to her imposing list of movie credits, Ms. Spacek has appeared on television numerous times, and she wants to expand her horizons even further by writing and directing films as well as continuing her career as a singer, writing a children's book, and publishing some of her own poetry; and

WHEREAS, On April 12, 1974, Sissy Spacek and Jack Fisk, an art director she met while working on Badlands, were married in a small chapel in Santa Monica, California; and

WHEREAS, Though highly successful and widely acclaimed, Sissy Spacek still feels a deep loyalty toward Texas, and her home state is proud of this fine individual and returns this affection; May 31, 1980, was Sissy Spacek Day in Quitman, Texas, and she enthusiastically says, "Texas is the place that keeps me most grounded. . . . I can go back there and walk in the woods and swim and water ski and go riding. It's a little cocoon. It's great."; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature commend Sissy Spacek on her achievements in the film industry and extend a warm and sincere welcome to her as she visits the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Ms. Spacek as an expression of warmest regards from the Texas Senate.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator McKnight and by unanimous consent, the resolution was adopted.

The President appointed Senator McKnight to escort Miss Spacek to the President's Rostrum.

Miss Spacek was welcomed by the Members and was presented with an enrolled copy of Senate Resolution 227 by the President.

Miss Spacek expressed her appreciation to Governor Clements, the President and the Members, stating she felt she was a "born again Texan."

Senator McKnight then presented the following guests, members of Miss Spacek's party: Miss Spacek's brother and sister-in-law, Ed and Kathy Spacek and their son, Mark; her uncle, Wade Spilman, his wife, Arlette and their son, Steve; President and President-elect of the Headliners Club, Gene Fondren and Terry Young and Jane McKnight, Senator McKnight's daughter.

**COMMITTEE SUBSTITUTE SENATE RESOLUTION 93 ON SECOND
READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

C.S.S.R. 93, BE IT RESOLVED by the Senate of the State of Texas, That the Temporary Rules of the Senate of the 67th Legislature, adopted by Senate Resolution No. 12, be the Permanent Rules of the Senate of the 67th Legislature and be amended to read as follows:

Senate Rules shall be amended by adding the following new rule:

"LIMITATION ON APPROPRIATIONS

"94.1. Unless within the authority of a resolution or resolutions adopted pursuant to Article VIII, Section 22(b), of the Constitution, it is not in order for the Senate to consider for final passage on third reading, on motion to concur in House amendments, or on motion to adopt a conference committee report, a bill appropriating funds from the State Treasury in an amount that, when added to amounts previously appropriated by bills finally passed by both houses and sent to the comptroller or due to be sent to the comptroller, would exceed the limit on appropriations established under Article 5429c-4, Revised Civil Statutes of Texas, 1925."

Senate Rules shall be amended by adding the following new rule:

"ACTUARIAL ANALYSES

"94.2. (a) Except as otherwise provided by this section, a bill or joint resolution that proposes to change benefits or participation in benefits of a public retirement system or that otherwise would change the financial obligations of a public retirement system must have an actuarial analysis prepared in compliance with this section, together with a statement prepared by the Legislative Budget Board reviewing the actuarial analysis attached to the bill or resolution before a committee hearing may be held on it and attached to the bill or resolution on first printing.

"(b) An actuarial analysis is not required for the general appropriations bill, a bill or resolution that would change the financial obligations of a retirement system only by modifying the compensation of members of the system or modifying the administrative duties of the system, or a bill or resolution that would change the financial obligations of a retirement system only by imposing an expense on the system in the same manner that the expense is imposed on other agencies or units of government.

"(c) In this section, 'public retirement system' means a continuing, organized program of service retirement, disability retirement, or death benefits for officers or employees of the state or a political subdivision, but does not include a program for which benefits are administered by a life insurance company, a program providing only workers' compensation benefits, or a program administered by the federal government.

"(d) An actuarial analysis must show the economic effect of the proposed bill or resolution on the public retirement system, including a projection of the annual actuarial cost or liability imposed by the proposal on the affected system, the effect of the legislation on the amortization schedule for liabilities of the system assuming various levels of payroll increases, and the estimated dollar change in the unfunded liability of the system. If the bill or resolution applies to more than one public retirement system, the projections in the analysis may be limited to each affected statewide public retirement system and each affected system in a city having a population of 200,000 or more, according to the results of the 1970 federal census.

“(e) An actuarial analysis must state the actuarial assumptions and methods of computation used in the analysis and, using an advanced funding actuarial cost method, must state whether or not the bill or resolution, if it becomes law, will make the affected public retirement system actuarially unsound or, in the case of a system already actuarially unsound, more unsound. The actuarial information in an actuarial analysis must be prepared by an actuary who has at least five years of experience working with one or more public retirement systems and who is a fellow of the Society of Actuaries, a member of the American Academy of Actuaries, or an enrolled actuary under the federal Employees Retirement Income Security Act of 1974. An actuarial analysis must contain a certification by the actuary that the contents of the analysis fulfill the requirements of this section. The actuary may include an explanation or description of the actuarial information contained in the analysis.”

“(f) As soon as practicable after a bill or joint resolution is referred to a standing committee, the Committee Chairman shall determine whether or not an actuarial analysis is required. If the Chairman determines that an actuarial analysis is required, the Chairman shall send a copy of the bill or resolution, with actuarial analysis attached, to the Legislative Budget Board with a request that a review of the actuarial analysis be prepared and sent to the committee, and a copy to the Pension Review Board. The director of the Legislative Budget Board shall return a copy of the actuarial analysis, together with his statement of review, to the committee that requested it, to the author or sponsor of the affected bill or resolution, and to the State Pension Review Board.”

“(g) If the actuarial analysis and the review of the Legislative Budget Board are attached, a committee hearing may be held on the bill or resolution without the review and comment of the Pension Review Board.”

“(h) If a bill or resolution for which an actuarial analysis is required is amended by a committee in a way that alters its economic implications, the Chairman of the committee shall request the Legislative Budget Board to prepare an updated actuarial analysis. An updated actuarial analysis must be attached to the affected bill or resolution as a part of the committee report and, if timely received, the updated review and comment of the Pension Review Board must also be attached. All actuarial analyses and review statements of the Legislative Budget Board must remain with the bill or resolution throughout the legislative process, including the process of submission to the Governor.”

Senate Rule 63 shall be amended to read as follows:

“BRIBERY

“63. Any Member who shall receive or offer a bribe, or who shall suffer his vote to be influenced by promise or preferment of reward, shall on conviction, be expelled (See also Article 36.02 [Articles 158, 161], Penal Code, as amended).”

Senate Rule 105 shall be amended to read as follows:

“COMMITTEE HEARINGS

“105. No bill shall be reported to the floor unless it shall first have been the subject of a public hearing by committee. Any member of the Senate, whether or not a member of a Committee, may ask questions of a witness before a Committee, but this right shall not be construed to abridge a chairman's right to provide others an opportunity to be heard, or grant such senator more rights than those afforded a member of such committee. Hearings on bills before any committee or subcommittee shall be open to the public, unless otherwise provided by these Rules, and reasonable opportunity shall be afforded to interested parties to appear before the committee or subcommittee. All parties appearing before any committee or subcommittee shall be

administered an oath or affirmation that the testimony they give is true and correct. This oath or affirmation shall be administered by the Chairman or Acting Chairman of the committee. Any person registered as a lobbyist and representing a client's interest at such hearing when possible shall submit a written statement of his presentation to the committee clerk to be made part of the permanent record of the meeting. The committee by a majority vote shall have the right to fix the order of appearance and the time to be allotted to any such interested party. Any Member of the Senate, by making timely written requests therefor upon the Chairman of the Committee, or Vice-Chairman in the absence of the Chairman, shall be entitled to receive at least 48 hours advance notice in writing of the time and place of the hearing on any bill or bills specified in the demand, but the time and place of hearing on any bill having been fixed in response to said request, the Chairman shall not be required to change or delay said hearing upon subsequent requests from other Members of the Senate. After the receipt of such notice by the Chairman of the Committee, or Vice-Chairman in the absence of the Chairman, no hearing shall be held by the Committee or action taken on such bill or bills unless such notice has been previously given as required herein. To be effective under this Rule, such notice shall also be filed for public inspection with the Secretary of the Senate. The time and date of filing shall be noted thereon by the Secretary. Failure to so file the notice prevents it from being effective either to delay a hearing or to prevent another member from exercising the right to notice pursuant to this rule. A Member of the Senate shall not be entitled to receive at least 48 hours advance notice in writing of the time and place of the hearing on any bill or bills if a notice of the time and place of the hearing is posted at least 72 hours before the time of the hearing and the Senate is in session at any time during the first 24 hours of the 72 hour period."

The resolution was read second time and was adopted by the following vote: Yeas 28, Nays 1.

Yeas: Andujar, Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Nays: Brooks.

Absent-excused: Parker.

GUEST PRESENTED

The President presented to the Members Congressman Abraham (Chick) Kazen, Jr., former Member of the Texas Senate.

SENATE BILL 2 ON SECOND READING

Senator Blake moved that Senate Rules 12 and 89 be suspended and that S.B. 2 be taken up for consideration at this time:

S.B. 2, Relating to disqualifications for benefits under the Texas Unemployment Compensation Act. (Submitted by Governor as an emergency)

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Andujar, Blake, Brown, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Wilson.

Nays: Brooks, Caperton, Doggett, Kothmann, Mauzy, Santiesteban, Truan, Vale, Williams.

Absent-excused: Parker.

The bill was read second time.

Senator Blake offered the following committee amendment to the bill:

Amend Senate Bill No. 2 by amending Subsection (f) of quoted Section 5 to read as follows:

~~"[(f) In determining the number of benefit periods during which any individual is entitled to receive benefits in a benefit year, the Commission shall deduct any period of disqualification as provided in subsections (a), (b), and (c) of this Section from the total number of benefit periods during which he would otherwise be entitled to receive benefits except for such disqualification; provided, that in no case shall the number of benefit periods so deducted exceed the number of benefit periods during which the claimant is then eligible to receive benefits except for such disqualification; and provided further, that in no event shall a disqualification imposed under subsection (a) or (c) of this Section result in a total reduction of the claimant's benefit rights in his benefit year.]"~~

The committee amendment was read and was adopted.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Blake and by unanimous consent, the caption was amended to confirm to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 20, Nays 9.

Yeas: Andujar, Blake, Brown, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Wilson.

Nays: Brooks, Caperton, Doggett, Kothmann, Mauzy, Santiesteban, Truan, Vale, Williams.

Absent-excused: Parker.

SENATE BILL 250 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 250, Relating to license requirements for bait dealers.

The bill was read second time and was passed to engrossment.

SENATE BILL 250 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 250** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker.

SENATE BILL 282 ON SECOND READING

On motion of Senator Mengden and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 282, Relating to the application of motor bus transportation regulations to ride-sharing arrangements.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 282** by inserting the word "non-profit" between the words "other" and "ride-sharing" in subdivision (2) of subsection (c) of quoted Article 911a in Section 1.

The amendment was read and was adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 282 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 282** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker.

SENATE BILL 54 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 54, Relating to creation of the office of budget officer in certain counties.

The bill was read second time and was passed to engrossment.

SENATE BILL 54 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 54** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker.

HOUSE CONCURRENT RESOLUTION 36 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H.C.R. 36, Expressing support for federal grant to construct solar repowering facility in El Paso.

The resolution was read second time and was adopted.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE BILL 298 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 298, Relating to the continuation of the Veterans Affairs Commission and the administration of veterans affairs by this state.

The bill was read second time and was passed to engrossment.

SENATE BILL 298 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 298** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker.

The bill was read third time and was passed.

SENATE BILL 280 ON SECOND READING

On motion of Senator Mengden and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 280, Relating to implementation of energy conservation measures in state buildings in the capitol complex. (Submitted by the Governor as an emergency)

The bill was read second time and was passed to engrossment.

SENATE BILL 280 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 280** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker.

MEMORIAL RESOLUTIONS

S.R. 220 - By Farabee, Short: Memorial resolution for Raymond Hance.

S.R. 221 - By Farabee: Memorial resolution for Ben Pulliam Allred.

S.R. 222 - By Farabee: Memorial resolution for Daisie Kimberlin Miller.

S.R. 223 - By Farabee: Memorial resolution for J. P. Tarry.

S.R. 224 - By Farabee: Memorial resolution for Guy Rogers.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 218 - By Doggett: Extending welcome to Dr. John Shouse.

S.R. 219 - By Doggett: Extending welcome to Dr. Carrol Smith.

S.R. 225 - By Short: Extending congratulations to Alex K. Cooke.

S.R. 226 - By Kothmann: Extending congratulations to Mark McNeil.

S.R. 228 - By Wilson: Extending congratulations to Helen Day.

S.R. 229 - By Doggett: Extending welcome to Rabbi Neal Borovitz.

S.R. 231 - By Caperton: Extending welcome to Dr. Barry Phillips, "Capitol Physician" for the day.

S.R. 232 - By Brown: Extending welcome to Marcia Thomas.

S.R. 233 - By Brown: Extending welcome to James Elbert.

S.R. 234 - By Brown: Extending welcome to Carolyn Wantille.

S.R. 235 - By Caperton: Extending welcome to Beverly Edwards.

ADJOURNMENT

On motion of Senator Brooks the Senate at 12:05 o'clock p.m. adjourned today in memory of Charles Edwin Wilson until 10:30 o'clock a.m. tomorrow.